

The Honorable Thomas S. Zilly
Noted For: July 26, 2019
Without Oral Argument

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF WANGSHENG LENG, by
and through administrator, LIPING YANG,

Plaintiffs,

v.

THE CITY OF ISSAQUAH, ISSAQUAH
POLICE OFFICER M. LUCHT #1201, and
ISSAQUAH POLICE OFFICER KYLEN
WHITTON, #1210,

Defendants.

No. 2:19-cv-00490-TSZ

DECLARATION OF
IRVING S. SCHER, PH.D., P.E.

I, IRVING S SCHER, PH.D., P.E. declare as follows:

1. I am over the age of 18, and am otherwise competent to testify as to all matters herein, and make the following statements based on my own personal knowledge.

2. I am a biomechanical engineer. Attached as **Exhibit A** to this Declaration is a true and correct copy of my C.V.

3. I have reviewed the King County Medical Examiner's Office report regarding the autopsy of Wangsheng Leng. It is apparent from my preliminary review of that document that Mr. Leng had complicated pre-existing physical and mental conditions; Mr. Leng may have been unusually susceptible to his injuries given his pre-existing conditions and they may have contributed to his injuries.

4. I was recently retained by Defendants and have not yet had an opportunity to

1 render opinions in this matter. In order to conduct fully my biomechanical engineering
2 analysis and provide opinions, it is essential that I have access to Mr. Leng's historical
3 medical records and imaging. I need to review those records to be able to determine the extent
4 of Mr. Leng's pre-existing conditions to render opinions on causation and mechanism of
5 injury. Limiting my access to Mr. Leng's historical records would reduce my ability to reach
6 opinions on those topics. That is especially true in light of what I have seen so far regarding
7 Mr. Leng's complex medical condition at the time of his interaction with the Issaquah police.

8 5. It is highly problematic for a lay person to determine what is and is not
9 relevant to my analysis. What might appear to a lay person to be completely unrelated or
10 unimportant to my field of expertise might be essential to understanding the biomechanics of
11 how Mr. Leng's injuries occurred. Given Mr. Leng's age, I need to be able to review records
12 dating back further than three years. Ideally, I would be provided with Mr. Leng's complete
13 medical records, regardless of time. I will abide by the Court's Stipulated Protective Order
14 and not disseminate those records beyond this litigation.

15 I declare under penalty of perjury under the laws of the State of Washington that the
16 foregoing is true and correct to the best of my knowledge.

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18 DATED this 22nd day of July, 2019, at Seattle, Washington.

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21 IRVING S. SCHER, PH.D., P.E.
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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiffs

David B. Owens, WSBA #53856
Loevy & Loevy
311 N. Aberdeen St., 3rd Floor
Chicago, IL 60607
T: 312-243-5900
Email: david@loevy.com
andrew@loevy.com

Attorneys for Plaintiffs

Harry Williams IV, WSBA #41020
Law Office of Harry Williams LLC
707 E. Harrison
Seattle, WA 98102
T: 206-451-7195
Email: harry@harrywilliamslaw.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

DATED: July 22, 2019


Christine Jensen Linder, Legal Assistant
Email: clinder@kbmlawyers.com